

AMENDED IN ASSEMBLY AUGUST 22, 2006

AMENDED IN SENATE MAY 1, 2006

AMENDED IN SENATE APRIL 6, 2006

**SENATE BILL**

**No. 1320**

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**Introduced by Senator Cedillo**

February 16, 2006

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An act to ~~add and repeal Section 1203.077 of the Penal Code,~~  
relating to probation, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1320, as amended, Cedillo. Probation: Los Angeles County  
~~restrictions.~~

*Existing law appropriates money from the General Fund to the  
Department of Alcohol and Drug Programs.*

*This bill would require a portion of the appropriated money be used  
for the creation of a pilot program to be administered by the Los  
Angeles County Superior Court relating to the probation of nonviolent  
felony offenders with a history of substance abuse or mental illness.*

~~Existing law generally establishes probation and generally  
authorizes courts to fashion probation conditions as necessary.~~

~~This bill would require courts to impose as a condition of probation  
for persons serving probation in the County of Los Angeles, for  
persons convicted of certain narcotics and drug offenses, a  
requirement that the person not enter a specified area generally known  
as "skid row" in downtown Los Angeles for any unlawful purpose.  
The bill would provide that these provisions would be repealed on  
January 1, 2010.~~

~~By increasing the burden on local probation authorities, this bill would create a state-mandated local program.~~

~~The bill would also state findings and declarations relative to the measure.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority <sup>2</sup>/<sub>3</sub>. Appropriation: no-yes. Fiscal committee: yes. State-mandated local program: yes-no.~~

*The people of the State of California do enact as follows:*

1     SECTION 1. *Of the funds appropriated in Item*  
2     *4200-101-0001 of the Budget Act of 2006 and granted to Los*  
3     *Angeles County by the Department of Alcohol and Drug*  
4     *Programs, one hundred and fifty thousand dollars (\$150,000)*  
5     *shall be used for the purposes of funding a pilot program in the*  
6     *Los Angeles County Superior Court for probation supervision*  
7     *and treatment services, as ordered by the superior court, for*  
8     *nonviolent felony offenders with mental health problems,*  
9     *substance abuse problems, or cooccurring disorders.*  
10    *Eligible participants shall include individuals with a history of*  
11    *substance abuse or mental illness who are facing nonviolent*  
12    *felony criminal charges in Los Angeles County.*  
13    *The pilot program shall be administered in Department 113 of*  
14    *the Los Angeles Superior Court located in the Clara Shortridge*  
15    *Foltz Criminal Justice Center in Los Angeles.*  
16    ~~SECTION 1. The Legislature finds and declares the~~  
17    ~~following:~~  
18    ~~(a) Due to the size of Los Angeles County and its 88 cities, the~~  
19    ~~volume of people being processed at the Los Angeles Central Jail~~  
20    ~~in downtown Los Angeles is enormous, and presents a unique~~  
21    ~~local situation in regard to persons on probation for certain~~  
22    ~~narcotics offenses.~~

1     ~~(b) The central jail is the point from which all inmates are~~  
2 ~~released, regardless of where they were arrested in the county,~~  
3 ~~thus releasing hundreds of people every day into the “skid row”~~  
4 ~~neighborhood in downtown Los Angeles, near the central jail.~~  
5 ~~This influx of people has increased drug trafficking and~~  
6 ~~complicated rehabilitation efforts of service providers~~  
7 ~~concentrated in the skid row area, and has created an~~  
8 ~~overwhelming public safety issue.~~

9     ~~(c) Between January 1, 2005, and November 17, 2005,~~  
10 ~~inclusive, there were 4,149 narcotics arrests in the skid row area.~~  
11 ~~The volume of drug related activity around recovery programs~~  
12 ~~diminishes the success of these programs and frustrates the~~  
13 ~~efforts of service providers in skid row.~~

14     ~~(d) Substance abusers seeking rehabilitation services are~~  
15 ~~extremely vulnerable to further drug use when released from the~~  
16 ~~Los Angeles Central Jail. The persons seeking treatment are~~  
17 ~~solicited by drug dealers as they walk through skid row to enroll~~  
18 ~~in or attend drug rehabilitation programs located there. This~~  
19 ~~challenge is present for other individuals seeking enrollment or~~  
20 ~~who are residing in a treatment program located in skid row.~~

21     ~~(e) It is in the interest of the people who live in the skid row~~  
22 ~~neighborhood and to persons participating in recovery programs~~  
23 ~~to ensure that persons on probation for drug related crimes do not~~  
24 ~~remain in the skid row area and prey upon people in recovery.~~  
25 ~~The importance of this condition of probation serves as an~~  
26 ~~essential component to the efforts by local police officers and~~  
27 ~~service providers in diminishing the sale and use of narcotics in~~  
28 ~~skid row.~~

29     ~~SEC. 2. Section 1203.077 is added to the Penal Code, to read:~~

30     ~~1203.077. (a) The court shall impose, as a condition of~~  
31 ~~probation for any person convicted of a violation of Section~~  
32 ~~11351 or 11352 of the Health and Safety Code as they relate to~~  
33 ~~selling narcotics, or a conviction for selling methamphetamine in~~  
34 ~~violation of Section 11379 of the Health and Safety Code, and~~  
35 ~~serving probation in the County of Los Angeles, that the person~~  
36 ~~may not enter the zone bordered by Third Street to Seventh~~  
37 ~~Street, inclusive, and by Main Street to Alameda Street,~~  
38 ~~inclusive, in the City of Los Angeles, for any unlawful purpose~~  
39 ~~during the duration of probation.~~

1     ~~(b) A violation of subdivision (a) shall constitute a violation of~~  
2     ~~the terms of probation.~~

3     ~~(c) This section shall remain in effect only until January 1,~~  
4     ~~2010, and as of that date is repealed, unless a later enacted~~  
5     ~~statute, that is enacted before January 1, 2010, deletes or extends~~  
6     ~~that date.~~

7     ~~SEC. 3.—If the Commission on State Mandates determines that~~  
8     ~~this act contains costs mandated by the state, reimbursement to~~  
9     ~~local agencies and school districts for those costs shall be made~~  
10    ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
11    ~~4 of Title 2 of the Government Code.~~